

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

03968- P0001E

First Inventor

David Kirchhoff, et al.

Title

Weight Control System Having Recipe Builder

Express Mail Label No.

EL 889893621 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 60 ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claims(s)
  - Abstract of the Disclosure
4. ☒ Drawings(s) (35 USC 113) [Total Sheets 28 ]
5. Oath or Declaration [Total Sheets 12 ]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

 Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22304-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- a. ☐ Computer Readable Form (CRF)

b.: Specification Sequence Listing on:

- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper

- c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 of its equivalent.
17. ☐ Other.....

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/355,425 filed 1/31/2003

Prior application information: Examiner Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☒ Customer Number:

24126

OR ☒ Correspondence address below

Name

Wesley W. Whitmyer, Jr.

Address

 St. Onge Steward Johnston & Reens LLC  
 986 Bedford Street

City

Stamford

State

CT

Zip Code

06905-5619

Country

United States

Telephone

203 324-6155

Fax

203 327-1096

Name (Print/Type)

Todd M. Oberdick

Registration No. (Attorney/Agent)

44,268

Signature



Date

3/10/04

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 ND 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, Patent and Trademark Office, Washington, DC 20231-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

 19270 U.S. PTO  
 10/797274

031004

16138 U.S. PTO

031004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision

**Complete if Known**

Application No.	- Pending
Filing Date	March 10, 2004
First Named Inventor	David Kirchhoff, et al.
Examiner Name	
Art Unit	
Attorney Docket Number	03968-P0001E WWW/TMO

☐ Applicant claims small entity status, See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 770.00)**METHOD OF PAYMENT (check all that apply)**
☒ Check ☐ Credit Card ☐ Money ☐ Other ☐ None  
☐ Deposit Account: order

Deposit Account: 19-4516

Deposit Account Name: St.Onge Steward Johnston &amp; Reens LLC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fees(s) during the pendency of this application  
☐ Charge fees(s) indicated below, except for the filing fee to the above-identified deposit account
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1101	770	2001	385	Utility filing fee	770.00
1002	340	2202	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	770.00

**2. EXTRA CLAIMS FEES FOR UTILITY AND REISSUE**

			Extra Claims	Fee from below		Fee Paid
Total Claims	16	-20**	0	X	=	0.00
Independent Claims	2	-3**	0	X	=	0.00
Multiple Dependent		=			=	

Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee Code	Fee Description
1201	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claims, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 over original patent

\*\* or number previously paid, if greater; For Reissues, see above


**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing for or oath	
1052	50	2052	25	Surcharge - late provisional filing or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	40	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0.00)**SUBMITTED BY** St.Onge Steward Johnston & Reens LLC**Complete (if applicable)**

Name (Print/Type)	Todd M. Oberdick	Registration No (Attorney/Agent)	44,268	Telephone	203 324-6155
Signature		Date	3/10/2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038

This collection of information is required by 37CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering of information, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, Patent and Trademark Office, U.S. Department of Commerce; P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORM TO THIS ADDRESS. SEND TO: Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 8-800-PTO-9199 and select option 2

**PATENT**  
03968-P0001E WWW/TMO

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	David Kirchhoff, et al.
Serial No. - Pending	March 1, 2004
Title of Application:	Weight Control System Having Recipe Builder And Exchange Capability

Mail Stop Patent Application  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**Cover Sheet For Twenty Eight Sheets Of Drawings**

Attorneys for Applicants  
Wesley W. Whitmyer, Jr., Registration No. 33,558  
Todd M. Oberdick, Registration No. 44,268  
**ST.ONGE STEWARD JOHNSTON & REENS LLC**  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155